

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

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Shelly Ivy,

Plaintiff,

v.

Select Student Loan Help,

Defendant.

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: Civil Action No.: 4:15-cv-02487  
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**COMPLAINT  
JURY**

For this Complaint, Plaintiff, Shelly Ivy, by undersigned counsel, states as follows:

**JURISDICTION**

1. This action arises out of Defendant's repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (the "TCPA").
2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that Defendant transacts business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

**PARTIES**

3. Plaintiff, Shelly Ivy ("Plaintiff"), is an adult individual residing in Bellville, Texas, and is a "person" as defined by 47 U.S.C. § 153(39).
4. Defendant, Select Student Loan Help ("SSLH"), is a California business entity with an address of 4201 Wilshire Boulevard, Los Angeles, California 90010, and is a "person" as defined by 47 U.S.C. § 153(39).

**FACTS**

5. Within the last year, SSLH began calling Plaintiff's cellular telephone, number 979-xxx-0435, in an attempt to solicit its services to Plaintiff.

6. At all times mentioned herein, SSLH called Plaintiff using an automatic telephone dialing system (“ATDS”) and using an artificial or prerecorded voice.

7. When Plaintiff answered calls from SSLH, she heard a prerecorded message instructing her to hold for the next available representative.

8. Plaintiff does not know how SSLH acquired her cellular telephone number. Plaintiff did not provide it to SSLH.

9. Plaintiff did not provide prior express consent to SSLH to place calls to her cellular telephone number.

10. During several live conversations, Plaintiff informed SSLH that she never went to college and that she did not have any student loans. As such, Plaintiff demanded that all calls to her cease immediately.

11. Nevertheless, SSLH continued placing automated calls to Plaintiff’s cellular telephone on a daily basis.

**COUNT I**  
**VIOLATIONS OF THE TCPA – 47 U.S.C. § 227, ET SEQ.**

12. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

13. At all times mentioned herein, Defendant called Plaintiff on her cellular telephone using an ATDS and/or using a prerecorded or artificial voice.

14. Plaintiff never provided her cellular telephone number to Defendant and never provided consent to be contacted on her cellular telephone.

15. The telephone number called by Defendant was assigned to a cellular telephone service pursuant to 47 U.S.C. § 227(b)(1).

16. The calls from Defendant to Plaintiff were not placed for “emergency purposes” as defined by 47 U.S.C. § 227(b)(1)(A)(i).

17. As a result of each call made in negligent violation of the TCPA, Plaintiff is entitled to an award of \$500.00 in statutory damages for each call placed in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

18. As a result of each call made in knowing and/or willful violation of the TCPA, Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays that judgment be entered against Defendant:

- A. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. § 227(b)(3)(B);
- B. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C); and
- C. Such other and further relief as may be just and proper.

**TRIAL BY JURY DEMANDED ON ALL COUNTS**

Dated: August 27, 2015

Respectfully submitted,

By: /s/ Jenny DeFrancisco

Jenny DeFrancisco, Esq.  
CT Bar No.: 432383  
LEMBERG LAW LLC  
A Connecticut Law Firm  
1100 Summer Street, 3<sup>rd</sup> Floor  
Stamford, CT 06905  
Telephone: (203) 653-2250  
Facsimile: (203) 653-3424